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Highly Confidential
New York, NY

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1 Q. And do you see on that third page
2 there is some italicized language directly under
3 the price list?

4 A. I do.

5 Q. Would you do me a favor and just read
6 that into the record for me?

7 A. "Wholesale and Direct List Prices,
8 including those for the products listed herein,
9 may not reflect actual Bristol-Myers Squibb sale
10 prices. Certain multisource products are always
11 sold at lower special offer prices. All products
12 may be subject to negotiated discounts, rebates
13 and chargebacks."

14 Q. Now, that language does not appear in
15 Exhibit Morgan 012, the document that's dated
16 September 12, 1997. Is that correct?

17 A. That's correct.

18 Q. Do you know when Bristol-Myers Squibb
19 started to include that language in the price
20 lists that it sent to First Data Bank?

21 A. No, I do not.

22 Q. Did the inclusion of that language

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1 have any impact on the way First Data Bank went
2 about determining average wholesale prices?

3 MR. SOBOL: Objection to form.

4 A. You're wanting to know if the
5 statement in italics had any impact on what we
6 did?

7 Q. Yes.

8 A. I don't know that it did or did not.

9 Q. Are you aware of any impact that it
10 may have had?

11 A. I'm not aware of any.

12 Q. The language we read says, "All
13 products may be subject to negotiated discounts,
14 rebates and chargebacks." Has Bristol-Myers
15 Squibb ever reported its negotiated discounts,
16 rebates and chargebacks to First Data Bank, to
17 your knowledge?

18 A. Not to my knowledge.

19 Q. Has any other manufacturer?

20 MR. SOBOL: Objection to form.

21 A. I'm sorry, I'm just recollecting six
22 years of experience with them, and I do not